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EXECUTIVE OFFICE OF THE PRESIDENT
Bureau of the Budget
Washington 25, D. C.

June 1, 1954

OMB Waiver Letter In ERU File

My dear Mr. Secretary:

Reference is made to Mr. Buddeke's letter of October 5, 1953, transmitting a revised draft of bill entitled "To amend further the Missing Persons Act, as amended."

On the basis of the supporting material and of subsequent discussions held with members of your staff and the White House, our comments with respect to the subject draft bill are as follows:

1. Section 1(a) of the proposal would enlarge the classes of employees now covered by the basic Act to include those employed on a part-time, intermittent, or hourly basis. We have no objection to the inclusion of intermittent employees such as technical experts and consultants who are sent to areas outside of the United States as a result of their employment. But we do not believe that the Government should undertake to provide this kind of protection either for intermittent employees when they are residents of the area in which they are employed or for part-time or hourly employees under any circumstances. It is recommended, that this subsection be modified by inserting the parenthetical phrase "(exclusive of part-time or hourly employees or intermittent employees residents of the places of their employment)" after the word "departments" and by striking out the words "part-time employees, intermittent employees, and" from lines 9 and 10, page one of the draft bill.

2. In our letter of May 12, 1954, concerning the Equalization of Benefits proposal, we stated that we would give consideration to the provisions of Section 9 of that measure in connection with our action on the present proposal. Those provisions would bring reservists on brief tours of training duty under the coverage of the Missing Persons Act. Although it is believed that this coverage would be desirable, we recommend that the provisions be modified to provide such coverage only when the individual enters a missing status as a result of his performance of prescribed duty ordered by competent authority.

3. Section 1(e) relates to authority for transporting the household goods and personal effects of personnel in various categories. The draft bill would, among other things, include in the coverage of the basic Act in this regard missing persons who have no dependents to request movement of their effects. As indicated in our comments on an earlier version of the present draft and also during the subsequent discussions, we think that this subsection

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gives rise to a number of questions. These center around two main points. The first point involves the persons to whom control of property will be turned over after it is transported. Thus, when these persons are neither dependents nor persons possessing a power of attorney a question arises as to whether, in such cases, the Government can or should relinquish control of the property and this, in turn, raises the further question of whether the property should then be transported at all under such circumstances. The second point relates to what action should be taken with respect to the property while it is in Government custody. In this connection the question arises as to whether the property of a person in a missing status should be moved, stored, or disposed of. We believe that more discretion should be given to the military departments so that they will be authorized to follow whatever course of action seems most reasonable in the circumstances of a particular case. In this way it would be possible to secure flexibility which, in appropriate instances, could prevent such things as transporting a comparatively inexpensive personal automobile thousands of miles back to the United States where it probably would be sold promptly upon arrival, perhaps for a lesser amount, or allowing a personal automobile to be held for a period of years by the Government with consequent depreciation until the owner either returned or a determination was made that he was dead. Because of our concern on the foregoing score, substitute draft provisions for this section were worked out informally with representatives of the Army. A copy of these draft provisions is attached, and we recommend their substitution for the present provisions of this section.

4. Section 1(g) would make the basic Act permanent and retroactive to June 24, 1948. A question has been raised informally as to whether the date here should not be made September 8, 1939, the original date of enactment of the basic Act. If this is done, it is recommended that a second section be added to the draft bill which would provide that its provisions would be effective as of the date of enactment.

Subject to the foregoing, you are advised that there would be no objection to the presentation of the draft bill for the consideration of the Congress.

Sincerely yours,

(Signed) Roger W. Jones

Assistant Director for
Legislative Reference

The Honorable

The Secretary of Defense

Attention: Mr. Frank J. Sherlock
3D958 Pentagon